

[First Reprint]

SENATE, No. 3357

STATE OF NEW JERSEY
218th LEGISLATURE

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Sponsored by:

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

Senator LORETTA WEINBERG

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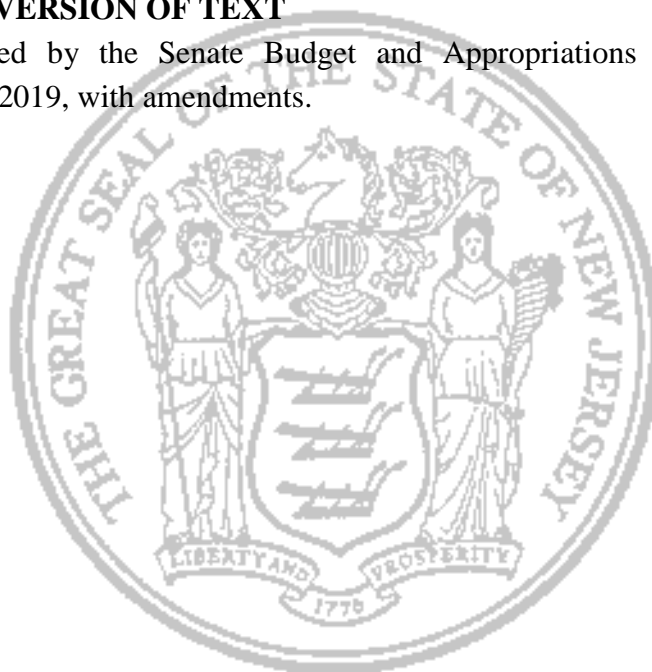
Senators Ruiz, Stack and Sacco

SYNOPSIS

The “Liberty State Park Protection Act”; establishes Liberty State Park Advisory Committee and requirements concerning DEP actions related to Liberty State Park.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on December 5, 2019, with amendments.



(Sponsorship Updated As Of: 11/8/2019)

1 AN ACT concerning Liberty State Park, supplementing Title 13 of
2 the Revised Statutes, and amending P.L.1983, c.324 and
3 P.L.2015, c.19.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) Sections 1 through 7 of P.L. , c. (C.)
9 (pending before the Legislature as this bill) shall be known and may
10 be cited as the “Liberty State Park Protection Act.”

11
12 2. (New section) The Legislature finds and declares that:

13 a. Liberty State Park, located in Jersey City, is a priceless New
14 Jersey and American treasure and an urban oasis in the middle of
15 densely populated metropolitan northern New Jersey;

16 b. With internationally-recognized landmarks including the
17 Statue of Liberty, and Ellis Island, and the Manhattan skyline as a
18 spectacular backdrop, Liberty State Park is one of the nation’s most
19 sacred and inspiring parks;

20 c. Encompassing over 1,200 acres, approximately 600 acres of
21 land and 600 acres of water, of which all but the interior’s 235 acre
22 natural restoration area are open to the public ¹currently¹, the park
23 contains significant natural, historic, recreational, scenic, and
24 cultural resources;

25 d. The park, a major historic ¹and cultural¹ resource with its
26 transportation and immigration history, ¹[including] includes:¹ the
27 Central Railroad of New Jersey Terminal or “CRRNJ Terminal,”
28 ¹[is]¹ the third landmark of America's Gateway “Historic Trilogy”
29 along with Lady Liberty and Ellis Island ¹[.] ; the location of
30 portions of the historic Morris Canal, with its significance to the
31 local, region, and statewide transportation industry during the 19th
32 and 20th centuries;¹ and also ¹[is home to] the location of¹ the
33 Black Tom Island 1916 explosion historic site ¹, with its
34 significance to America’s entry into World War One¹ ;

35 e. The park is also a major natural resource as a sanctuary for
36 over 300 bird species including migratory species that use the park
37 as a stopover while on the Atlantic Flyway, and countless other
38 wildlife species;

39 f. More than five million people from around New Jersey, our
40 nation, and the world visit the park each year to take in the dramatic
41 and meaningful views and enjoy the peacefulness and passive
42 recreational opportunities of green open space, the beauty of nature
43 and wildlife habitats, family picnic areas, and fishing in the midst of
44 the most urbanized area on the East Coast;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted December 5, 2019.

1 g. Unfortunately, this unique and scarce urban green open
2 space has been the target of repeated privatization and
3 commercialization proposals since the park opened, and the subject
4 of a number of development proposals in recent years, including the
5 Department of Environmental Protection issuing requests for
6 proposals to privatize or commercialize portions of the park, which,
7 if approved, would have seriously jeopardized this beloved public
8 resource and severely harmed the public's ability to enjoy free and
9 full public access to and enjoyment of the park;

10 h. From the time of its opening on June 14, 1976, Liberty State
11 Park has had sustained overwhelming public support for a "free and
12 green" open space park, and overwhelming opposition to
13 privatization and commercialization proposals, as expressed in
14 public hearings, countless public comments, petitions, and in a
15 series of coalitions of local, regional, and Statewide groups to
16 protect Liberty State Park as a "People's Park" behind Lady
17 Liberty; and

18 i. It is fitting, proper, and necessary to recognize and respect
19 this history of overwhelming public opposition and to take action to
20 protect Liberty State Park from any inappropriate development
21 proposals ¹["in the future"] and to preserve Liberty State Park for
22 future generations.

23
24 3. (New section) As used in sections 1 through 7 of
25 P.L. , c. (C.) (pending before the Legislature as this bill):

26 "Commissioner" means the Commissioner of Environmental
27 Protection.

28 "Committee" means the "Liberty State Park Advisory
29 Committee" established pursuant to section 6 of
30 P.L. , c. (C.) (pending before the Legislature as this bill).

31 ¹"Concession" means any rights or privileges granted by the
32 department to a public, non-profit, individual, corporate, private, or
33 other entity to operate on or within Liberty State Park to provide
34 small-scale commercial activities that support or promote the
35 public's use of Liberty State Park, or any building or facility
36 thereon, or for small-scale commercial activities as provided in
37 section 5 of P.L. , c. (C.) (pending before the Legislature as
38 this bill), and shall include, but not be limited to, concession or
39 operation agreements, franchises, licenses, permits, or other similar
40 use agreements, but shall not include a lease, conveyance, or other
41 transfer of property rights.¹

42 "Department" means the Department of Environmental
43 Protection.

44
45 4. (New section) The Department of Environmental Protection
46 shall:

47 a. not consider any proposal to commercialize, develop, or
48 privatize Liberty State Park, except as provided in accordance with

1 the provisions of P.L. , c. (C.) (pending before the
2 Legislature as this bill);

3 b. ¹**prohibit any concession, conveyance, or lease** not
4 convey, lease, or otherwise transfer any property rights¹ within ¹;

5 (1)¹ the 235-acre natural restoration area in the interior of
6 Liberty State Park, ¹**and at** identified on the tax maps of Jersey
7 City as Block Number 21506, Lot Number 2; Block Number 21506,
8 Lot Number 5; Block Number 21506, Lot Number 1; Block Number
9 24401, Lot Number 1; Block Number 21505, Lot Number 1; Block
10 Number 21601, Lot Number 6; Block Number 21601, Lot Number
11 5; Block Number 21601, Lot Number 3; Block Number 21601, Lot
12 Number 2; Block Number 15802, Lot Number 15; Block Number
13 15802, Lot Number 13; Block Number 15802, Lot Number 14;
14 Block Number 15802, Lot Number 12; Block Number 15802, Lot
15 Number 11; Block Number 15802, Lot Number 10; Block Number
16 15802, Lot Number 21; Block Number 15904, Lot Number 16;
17 Block Number 15904, Lot Number 17; and Block Number 15904,
18 Lot Number 18; or

19 (2) the 21.5-acre¹ Caven Point Peninsula, the estuarine
20 ecosystem for plants and animals, critical bird breeding habitat, and
21 urban environmental education resource ¹, which stretches into the
22 Upper New York Bay and is identified on the tax maps of Jersey
23 City as: Block Number 27601, Lot Number 1; Block Number
24 24307, Lot Number 10; Block Number 27701, Lot Number 1; Block
25 Number 27601, Lot Number 2; and Block Number 24306, Lot
26 Number 7¹ ;

27 c. ¹**within three** no later than five¹ years after the date of
28 enactment of this act, ¹**develop** and after consultation with the
29 committee, finalize¹ a management plan for Liberty State Park ¹**in**
30 consultation with the committee , which utilizes the map
31 developed pursuant to subsection h. of this section¹ ;

32 d. ¹**present to** consult¹ the committee for review and
33 recommendations:

34 (1) ¹**any proposed agreement for** prior to entering into an
35 agreement for¹ a concession, conveyance, ¹**or**¹ lease ¹**with a**
36 term of one year or longer , or other transfer of property rights of
37 any portion of Liberty State Park¹ ;

38 (2) ¹prior to¹ the extension or renewal for a term of one year or
39 longer of any ¹**concession, conveyance, or**¹ lease in effect on the
40 date of enactment of P.L. , c. (C.) (pending before the
41 Legislature as this bill); and

42 ¹**(3) any proposed special event that may have a significant**
43 impact on ability of the public to access and enjoy Liberty State
44 Park; and¹

45 e. develop and implement, in conjunction with the committee,
46 a ¹**comprehensive**¹ public participation process to allow public
47 citizens and civic organizations to provide public input on any

1 proposed changes in land use at Liberty State Park or to the
2 management plan developed pursuant to subsection c. of this
3 section;

4 f. at least once each year, hold a public forum to receive input
5 from the public concerning plans, ¹**plans** including the
6 management plan required pursuant to subsection c. of this section¹,
7 improvements, preservation, conservation, and management of
8 Liberty State Park, in addition to any public hearings that may be
9 required pursuant to law; and

10 g. post in a prominent location on the department's website:

11 (1) any proposed ¹**actions by the department that would**
12 **impact** agreement for a concession, conveyance, lease, or other
13 transfer of property rights, including an extension or renewal, of
14 any portion of¹ Liberty State Park;

15 (2) the minutes of the committee pursuant to subsection k. of
16 section 6 of P.L. , c. (C.) (pending before the Legislature as
17 this bill); ¹**and**¹

18 (3) copies of any reports received by the commissioner pursuant
19 to subsection b. of section 7 of P.L. , c. (C.) (pending before
20 the Legislature as this bill) ¹; and

21 (4) the management plan required pursuant to subsection c. of
22 this section; and

23 h. develop, no later than one year after the effective date of
24 P.L. , c. (C.) (pending before the Legislature as this bill), a
25 map depicting Liberty State Park in Jersey City. The map shall
26 include all public lands purchased, donated, conveyed, and owned
27 in fee simple that the department manages and identifies as Liberty
28 State Park. The map shall include the lots and blocks as listed on
29 current tax maps of Jersey City. The department may update the
30 map annually to ensure all public lands are shown and to include
31 any additional land donated or purchased and to be managed as part
32 of Liberty State Park¹ .

33
34 5. (New section) ¹**a.**¹ Notwithstanding the provisions of any
35 other law, or rule or regulation adopted pursuant thereto to the
36 contrary:

37 ¹**a.** ¹(1) ¹the Department of Environmental Protection shall
38 only approve ¹an agreement for¹ a concession, conveyance, lease,
39 or other agreement ¹transferring the property rights of Liberty State
40 Park, including an extension or renewal,¹ with a private entity to
41 provide small-scale commercial activities ¹**that directly enhance** ¹,
42 if the agreement enhances¹ the ability of a visitor to enjoy the
43 natural, historic, cultural, recreational, and scenic resources of
44 Liberty State Park ¹for recreation and conservation purposes as
45 defined pursuant to section 3 of P.L.1999, c.152 (C.13:8C-3)¹ , such
46 as a bicycle or kayak rental concession, food concession, temporary
47 winter skating rink, commercial boat tour operating from an

1 existing boat slip, use of the Central Railroad of New Jersey
2 Terminal, and uses identified in the management plan developed
3 pursuant to section 4 of ¹["this act"] P.L. , c. (C.) (pending
4 before the Legislature as this bill)¹ ;

5 ¹["b. whenever the department proposes to enter."] (2) prior to
6 entering¹ into 'an agreement for' a ¹["concession,"]¹ lease 'including
7 an extension or a renewal, conveyance' , or other ¹["agreement for a
8 duration"] transfer of property rights of any portion of Liberty State
9 Park with a term¹ of one year or longer, the department shall:

10 ¹["(1)"] (a)¹ present the proposal to the committee for review and
11 recommendations; and

12 ¹["(2)"] (b)¹ provide ¹["an opportunity for"] a 30-day¹ public
13 comment ¹["on the proposal, including holding"] period and hold at
14 least¹ two public hearings at Liberty State Park, with one hearing
15 being held on a weekday evening and one on the weekend, ¹["and
16 providing a 30-day comment period"]¹ ;

17 ¹["c."] (3)¹ whenever the department intends to convey, pursuant
18 to the provisions of P.L.1993, c.38 (C.13:1D-51 et seq.), lands
19 acquired or developed by the State with Green Acres funds, or
20 acquired or developed by the State in any other manner and
21 administered by the department, located within or adjacent to
22 Liberty State Park, the department shall:

23 ¹["(1)"] (a)¹ present the proposal to the committee for review and
24 recommendations; and

25 ¹["(2)"] (b)¹ provide an opportunity for public comment on the
26 proposal, including holding two public hearings at Liberty State
27 Park, with one hearing being held on a weekday evening and one on
28 the weekend, and providing a 30-day comment period.

29 ¹b. Notwithstanding the provisions of paragraph (1) of
30 subsection a. of this section to the contrary, the department may
31 renew or amend an existing agreement or execute a new agreement
32 for the continued operation of the Liberty Science Center or the
33 marina in existence on the effective date of P.L. , c. (C.)
34 (pending before the Legislature as this bill), provided that the
35 Liberty Science Center or marina are not expanded beyond their
36 footprint of operation as of the effective date of P.L. , c. (C.)
37 (pending before the Legislature as this bill).

38 c. No fewer than 45 days prior to the issuance of any request
39 for proposal or similar solicitation for a concession, the department
40 shall provide the solicitation to the committee for review and
41 comment. In the event a solicitation is not issued, the department
42 shall provide the committee with the proposed concession no fewer
43 than 45 days prior to execution. If a solicitation has been provided
44 to the committee for review and comment, the department shall not
45 be required to provide the associated concession agreement to the
46 committee for review and comment prior to execution, provided the

1 concession agreement is materially consistent with the solicitation
2 presented to the committee.¹

3
4 6. (New section) a. There is established a Liberty State Park
5 Advisory Committee in the Department of Environmental
6 Protection, to assist the department with conserving, preserving,
7 protecting, and improving Liberty State Park. In carrying out its
8 responsibilities, the committee shall give due consideration to the
9 natural, historic, cultural, recreational, and scenic resources and the
10 local, State, and national significance of Liberty State Park.

11 b. The committee shall consist of nine members, as follows:

12 (1) the Commissioner of Environmental Protection, or the
13 commissioner's designee, who shall serve as an ex officio, non-
14 voting member;

15 (2) the ¹**【Superintendent of Liberty State Park】** director of the
16 Division of Parks and Forestry in the Department of Environmental
17 Protection¹, or the ¹**【superintendent's】** director's¹ designee, who
18 shall serve as an ex officio, non-voting member;

19 (3) the president of the Friends of Liberty State Park, or the
20 president's designee;

21 (4) the NY/NJ Baykeeper Chief Executive Officer, or the
22 officer's designee;

23 (5) the president of the Hudson River Waterfront Conservancy,
24 or the president's designee; and

25 (6) the president of the Jersey City Parks Coalition, or the
26 president's designee;

27 (7) the chair of the Jersey City Environmental Commission, or
28 the chair's designee; and

29 (8) two members appointed by the Governor with the advice and
30 consent of the Senate as follows:

31 (a) one member from the State's academic community with
32 expertise, knowledge, or experience in history, landscape
33 architecture, park management, environmental protection, or
34 ecology; and

35 (b) one member from a Statewide environmental organization
36 with expertise, knowledge, or experience in ecology, environmental
37 protection, land management, or natural resources protection.

38 The ¹terms of the¹ public members appointed by the Governor
39 with the advice and consent of the Senate shall ¹**【be appointed for**
40 **three-year terms, except that of those first appointed, one shall be**
41 **appointed for a term of two years, and one for a term of three years】**
42 expire at the end of the Governor's term in office¹.

43 c. Any vacancy in the membership shall be filled in the same
44 manner as the original appointment.

45 d. The committee shall organize as soon as possible after the
46 appointment of its members and shall annually elect a chairperson
47 and a vice-chairperson from among its members, and a secretary
48 who need not be a member of the committee.

1 e. The committee shall meet at the call of the chairperson or
2 the commissioner or when requested by any four members of the
3 committee.

4 f. A majority of the voting members of the committee shall
5 constitute a quorum for the transaction of committee business.

6 g. The department shall provide primary staff support to the
7 committee.

8 h. The committee shall be entitled to the assistance and service
9 of the employees of any State, county or municipal department,
10 board, bureau, commission, authority, or agency as it may require
11 and as may be available to it for its purposes, and to employ
12 stenographic and clerical assistance ¹and to incur traveling or
13 other miscellaneous expenses as may be necessary in order to
14 perform its duties, within the limits of funds appropriated or
15 otherwise made available to it for its purposes¹.

16 i. The members of the committee shall serve without
17 compensation ¹, but may be reimbursed for necessary expenses
18 incurred in the performance of their duties, within the limits of
19 funds appropriated or otherwise made available to the committee
20 for its purposes¹.

21 j. The committee shall be subject to the provisions of the
22 “Senator Byron M. Baer Open Public Meetings Act,” P.L.1975,
23 c.231 (C.10:4-6 et seq.).

24 k. A true copy of the minutes of every meeting of the
25 committee shall be prepared and made available to the public. The
26 minutes shall also be made available on the department's website.

27 ¹[1. The committee shall call upon the National Park Service and
28 request the participation of a representative from that agency to
29 serve on the committee, as a non-voting member, to provide
30 information and guidance on park management issues and the
31 availability of federal funds, including means to partner with the
32 federal government to enhance the ability of the public to
33 experience the natural, historic, cultural, recreational, and scenic
34 resources of Liberty State Park, including access to the Statute of
35 Liberty and Ellis Island.]¹

36

37 7. (New section) a. The Liberty State Park Advisory
38 Committee shall:

39 (1) ¹[review any matter relating to the improvement, protection,
40 and restoration of Liberty State Park;

41 (2)]¹ assist the department in developing the Liberty State Park
42 management plan required pursuant to subsection c. of section 4 of
43 P.L. , c. (C.) (pending before the Legislature as this bill),
44 and advise the department on the ecological restoration of the 235-
45 acre interior portion of Liberty State Park and means to increase
46 public access and public enjoyment of the natural, historic, cultural,
47 recreational, and scenic resources of the park;

1 **‘[(3)] (2)‘** review **‘and make recommendations on‘** any
2 proposed agreement for a concession, **‘[conveyance,]‘** lease
3 **‘including an extension or a renewal, conveyance‘** , or other
4 **‘[agreement for a duration of one year or longer at Liberty State**
5 **Park] transfer of property rights of any portion of Liberty State**
6 **Park as provided in P.L. , c. (C.) (pending before the**
7 **Legislature as this bill) within 45 days of presentation thereof by**
8 **the department to the committee‘** ;

9 **‘[(4)] (3)‘** request from the commissioner any information
10 concerning Liberty State Park as it may deem necessary **‘to carry**
11 **out its responsibilities, excluding confidential information‘** ;

12 **‘[(5) study any policies, plans, rules, and regulations adopted by**
13 **the department that may impact Liberty State Park; and] (4) request**
14 **the attendance of the superintendent of Liberty State Park, or the**
15 **superintendent’s designee, at each of the committee’s meetings to**
16 **provide assistance and information to the committee; and‘**

17 **‘[(6)] (5)‘** submit to the commissioner any recommendations the
18 committee deems necessary to improve **‘[,] and‘** protect **‘[, and**
19 **restore]‘** Liberty State Park.

20 b. The committee shall present a report of its **‘[activities,**
21 **findings, and]‘** recommendations to the commissioner within one
22 year after its organizational meeting, and **‘[annually] periodically‘**
23 thereafter. The committee shall also submit copies of its reports to
24 the Governor and, pursuant to section 2 of P.L.1991, c.164
25 (C.52:14-19.1), to the Legislature.

26
27 8. Section 6 of P.L.1983, c.324 (C.13:1L-6) is amended to read
28 as follows:

29 6. a. Notwithstanding any other law, rule , or regulation to the
30 contrary, the department shall have the authority to grant such
31 rights or privileges to individuals or corporations for the
32 construction, operation , and maintenance for private profit of any
33 facility, utility , or device upon the State parks and forests, lands ,
34 and waters as the department shall find necessary and proper for the
35 use and enjoyment of the lands by the public. Such rights and
36 privileges shall include, but not be limited to, concessions,
37 franchises, licenses, permits , and other rights and privileges
38 deemed by the department to be appropriate in the utilization of the
39 lands for the public benefit. The grant or award of such rights or
40 privileges shall be made in the name of the State of New Jersey and
41 executed by the department, at such price and upon such terms and
42 conditions as shall be fixed by the department.

43 b. The department shall have the authority to acquire rights and
44 privileges in lands owned by individuals or corporations where the
45 department deems it necessary or useful, for the proper
46 implementation of the provisions of **[(this amendatory and**
47 **supplementary act] P.L.1983, c.324 (C.13:1L-1 et seq.)** , that an

1 interest in such lands be acquired. Such rights and privileges shall
2 include, but not be limited to, leases, licenses, concessions,
3 franchises , and permits. Any rights or privileges acquired
4 hereunder and the considerations therefor shall be subject to terms
5 and conditions fixed by the department.

6 c. Notwithstanding the provisions of subsection a. of this
7 section to the contrary, commencing on the date of enactment of
8 P.L. , c. (C.) (pending before the Legislature as this bill),
9 the department shall not grant any rights or privileges to an
10 individual or corporation for the construction, operation, and
11 maintenance for private profit of any facility, utility, or device at
12 Liberty State Park except as may be allowed pursuant to the
13 provisions of P.L. , c. (C.) (pending before the Legislature
14 as this bill).

15 (cf: P.L.1983, c.324, s.6)

16
17 9. Section 19 of P.L.2015, c.19 (C.5:10A-19) is amended to
18 read as follows:

19 19. In addition to any powers established pursuant to section 5
20 of P.L.1971, c.137 (C.5:10-5), and the powers established pursuant
21 to section 7 of P.L.2015, c.19 (C.5:10A-7), the commission shall
22 endeavor to safeguard the environmental resources of the district
23 and provide quality public recreation and educational opportunities.
24 The commission may:

25 a. Target and prioritize potential preservation sites for
26 acquisition, deed restriction, and conservation easements, including
27 large tracts of wetlands sites;

28 b. Preserve wetlands to protect wildlife, water quality, and
29 flood storage value;

30 c. Review preservation sites for potential wetland enhancement
31 and mitigation;

32 d. Improve connections among the district's trails and habitats,
33 reducing fragmentation;

34 e. Identify missing links in the existing trail system, as well as
35 key locations for connecting to wildlife viewing stations,
36 environmental venues, boat launches, docks, and other active and
37 passive recreational attractions;

38 f. Increase both active and passive recreational uses;

39 g. Eliminate or control the presence of other invasive plant and
40 animal species;

41 h. Maintain and improve targeted habitats relative to breeding,
42 wintering, feeding, and other wildlife activities;

43 i. Maintain the value of the Hackensack meadowlands as an
44 urban sanctuary for birds using the Atlantic Flyway;

45 j. Seek available funding for land acquisition, protection, and
46 management of wildlife preserves;

47 k. Maintain and restore the ecology of the waterways,
48 including the estuary, shorelines, and nursery habitat for fish;

1 l. Continue monitoring water quality by collecting and
2 analyzing data to determine trends, document improvements, and
3 assess the need for additional, or more stringent, measures;

4 m. **【**The provisions of section 6 of P.L.1984, c.128 (C.13:17-
5 6.1), or any other law, rule, or regulation regarding purchases,
6 contracts, or agreements to the contrary notwithstanding, at the
7 request of the Commissioner of Environmental Protection, evaluate,
8 approve, and implement any plan or plans for the further
9 preservation, development, enhancement, or improvement of
10 Liberty State Park and the buildings, structures, properties, and
11 appurtenances related thereto, or incidental to, necessary for, or
12 complementary to the park. The commission may avail itself of any
13 plans under review by the Department of Environmental Protection
14 from any source that may promote expanded and diverse
15 recreational, cultural, and educational opportunities for visitors to
16 Liberty State Park and provide greater access to park facilities. Any
17 approved plans shall constitute a project of the commission, but
18 shall not be adopted as part of the master plan. Any plans approved
19 by the commission shall be subject to the provisions of P.L.1981,
20 c.447 and subject to approval or disapproval by the Commissioner
21 of Environmental Protection. In evaluating any plan, the
22 Commissioner shall prepare an assessment of environmental
23 impacts on the plan, and how those impacts, if any, may be avoided,
24 minimized, or mitigated. At least one public hearing in connection
25 with plans under consideration by the commission shall be held at
26 Liberty State Park. Nothing in this subsection shall be construed to
27 transfer ownership of any of the property of Liberty State Park to
28 the commission or any other person;**】** (Deleted by amendment,
29 P.L. , c.) (pending before the Legislature as this bill) and

30 n. Operate a not-for-profit organization which shall continue
31 research opportunities of the Meadowlands Environmental Research
32 Institute.
33 (cf: P.L.2015, c.72, s.10)
34

35 10. This act shall take effect immediately.